

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, *et al.*,

Defendants.

Adv. Pro. No. 09-01364 (SMB)

STIPULATION AND ORDER

Irving H. Picard, as trustee (“Trustee”) for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa-*lll* (“SIPA”), substantively consolidated with the chapter 7 estate of Bernard L. Madoff, and defendant HSBC Securities Services (Luxembourg) S.A. (“HSSL”) (together, the “Parties”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on November 16, 2020, the Trustee filed a motion seeking the issuance of a Letter of Request requesting documents from HSSL, a Luxembourg entity (ECF No. 648) (the “Motion”);

WHEREAS, the Parties held a meet and confer on November 24, 2020 and agreed to allow HSSL additional time to evaluate the requests for documents and the potential for avoiding litigation of this issue before this Court;

WHEREAS, counsel for HSSL has determined that litigation on the Motion will be necessary and the Parties have agreed on an adjusted briefing schedule;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel that:

1. The deadline to file an objection to the Motion is adjourned from December 21, 2020 to January 19, 2021;
2. The deadline to file a reply is adjourned from January 7, 2021 to February 2, 2021;
3. The hearing date for the motion is adjourned from January 13, 2021 to February 10, 2021; and
4. This stipulation is without prejudice to the arguments of either HSSL or the Trustee, including but not limited to that the Court lacks personal jurisdiction over HSSL.

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Dated: December 14, 2020
New York, New York

/s/ Oren J. Warshavsky

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for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
of Bernard L. Madoff*

/s/ Thomas J. Moloney

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*Attorneys for HSBC Securities Service
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So Ordered This 15th Day of December, 2020

/s/ STUART M. BERNSTEIN

Honorable Stuart M. Bernstein

United States Bankruptcy Judge